REMARKS

Reconsideration and withdrawal of the rejections of the application are requested in view of the herein amendments, arguments and submissions.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claim 22 is pending in this application. Support for the amendments to claim 22 can be found throughout the specification, and particularly in Example 2, beginning on page 32 of the application. No new matter is added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. Amendments to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §§§§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE REJECTION UNDER 35 U.S.C. §112, 1ST PARAGRAPH, IS OVERCOME

Claim 22 was rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. The rejection is traversed.

The Office Action alleges, on page 3, that the specification does not provide any experimental result showing restenosis and reduction thereof. The Examiner's attention is respectfully directed to MPEP §2164.02, which states, in part, "lack of working examples or lack of evidence that the claimed invention works as described should never be the sole reason for rejecting the claimed invention on the grounds of lack of enablement."

In addition, claim 22 has been amended to reflect the disclosure of Example 2. One of skill in the art would face no undue experimentation in administering a soluble VEGF receptor and angiopoietin-1 following balloon angioplasty. According to the Court of Appeals for the Federal Circuit in the case of *In re Wands*, 8 U.S.P.Q.2d 1400 (Fed. Cir. 1988) there are several factors to consider when determining whether undue experimentation is required to practice a claimed invention. The factors summarized in *In re Wands* (*Id.*) include (1) the quantity of experimentation necessary; (2) the amount of direction or guidance presented; (3) the presence or absence of working examples of the invention; (4) the nature of the invention; (5) the state of the prior art; (6) the relative skill of those in the art; (7) the predictability or unpredictability of the art; and (8) the breadth of the claims.

Applying *Wands* to the instant facts, enablement is shown to exist. The amount of experimentation necessary is low, while the amount of direction is high. A prophetic example is provided. The relative skill of those in the art is high and the claims are not overly broad. In consideration of these factors, reconsideration and withdrawal of the enablement rejection are requested.

III. THE REJECTION UNDER 35 U.S.C. §103 IS OVERCOME

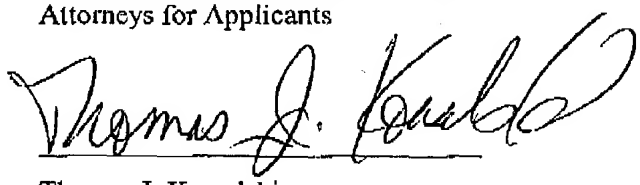
Claims 18-21 and 23-25 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Inoue *et al.* and Maisonpierre *et al.* in view of Kendall *et al.* and Asahara *et al.* Claims 18-21 and 23-25 have been cancelled, rendering this rejection moot. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are requested.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants



Thomas J. Kowalski
Reg. No. 32,147

Anne-Marie C. Yvon, Ph.D.
Reg. No. 52,390
Tel: (212) 588-0800